(a) ☐ including changes required by the Notice of Draffsperson's Patent Drawing Review ( PTO-948) attached  1) ☐ hereto or 2) ☐ to Paper No./Mail Date  (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).  7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.  Attachment(s)  1. ☑ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date  7. ☐ Examiner's Amendment/Comment	3		<i>1</i> \
Notice of Allowability    Examiner		Application No.	Applicant(s)
Examiner		10/028,581	FONTANA ET AL.
The MAILING DATE of this communication appears on the cover sheet with the correspondence address-All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMANIS) CLOSED in this application into included nevertite (or previously misled), a Notice of Allowane (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RICHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.  1. ☑ This communication is responsive to 97/27/2004.  2. ☑ The allowed claim(s) is/are 1-42.  3. ☐ The drawings filed on are accepted by the Examiner.  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  **Certified copies not received: The priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  **Certified copies not received: The priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  **Certified copies not received: The priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  **Certified copies not received: The priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in Application No  Applicant has 1HREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.	Notice of Allowability	Examiner	Art Unit
All claims being allowable, PROSECUTION ON THE MERTS IS (OR REMANS) CLOSED in this application will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the Initiative of the Office or upon petition by the applicant. Sea 37 CFR 1.313 and MPEP 1308.  1. ☑ This communication is responsive to 07/21/2004.  2. ☑ The allowed claim(s) Islane 1-42.  3. ☐ The drawings filed on are accepted by the Examiner.  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  **Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  **HIST THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  **HIST THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  **HIST THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  **HIST THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  **HISTORY THE THE MONTHS FROM THE "MAILING DATE" of this communicat		Pierre E. Elisca	3621
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a) All b) Some* c) None of the:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No	3. The drawings filed on are accepted by the	e Examiner.	
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U.S. Patent and Trademark Office PTOL-37 (Rev. 1-04)

Application/Control Number: 10/028,581

Art Unit: 3621

## **REASONS FOR ALLOWANCE**

1. This is an Examiner's statement of reasons for allowance. The closest prior art McCarty, Johnnie discloses a system for protection software for unauthorized use. Watanabe, Hiroshi discloses a system for preventing an authorized use of a software. IBM technical disclosure bulletin discloses a copy protection method that uses identifier data unique to a storage media where the protected program is installed. However, neither MacCarty nor Watanabe and IBM technical disclosure bulletin singularly or in combination fails to anticipate or render obvious the recited feature: As per claims 1, 16, 24 and 40 " using information supplied from the software to determine if the dynamic key assigned to the software is present in the security device, and if so, generating the encryption key within the security device using the dynamic key; and authorizing use of the software on the computer system by sending the encryption key from the security device to the computer system for decryption of the software".

As per claims 22 and 39" sending the initialization vector to the security device, in the security device, using the initialization vector and the stored dynamic key to generate the security key and communication key if the dynamic key assigned to the software is present in the security device, encrypting the security key using the communication key, sending the encrypted security key to the computer system as a response using the communications key in the software package to decrypt encrypted security key, and using the security key to decrypt the encrypted software of use on the computer system".

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## Conclusion

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pierre Eddy Elisca

**Primary Patent Examiner** 

September 01, 2004